

SUBSTITUTE FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
1272 2001

# TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If Known, see 37 CFR 1.5)

09/719889

INTERNATIONAL APPLICATION NO.  
PCT/AU99/00495INTERNATIONAL FILING DATE  
18 June 1999PRIORITY DATE CLAIMED  
18 June 1998TITLE OF INVENTION  
METHOD OF TISSUE REPAIR II

APPLICANT(S) FOR DO/EO/US

Earl R. Owen, Peter Maitz, Rodney I. Trickett, Judith M. Dawes, James A. Piper, Peter Dekker

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 16 below concern other documents or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
  - ☒ The claims submitted have been amended under Article 34
  - ☐
  - ☐
  - ☐
  - ☐

### CERTIFICATE OF MAILING BY EXPRESS MAIL

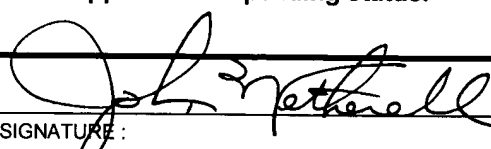
Express Mail Label No. EL688321817US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 18, 2000  
Date of Deposit

*Derek Norwood*  
Signature

Derek Norwood  
Typed Name of  
Person Signing

U.S. APPLICATION NO. (IF KNOWN) <b>09/71988</b>		INTERNATIONAL APPLICATION NO. PCT/AU99/00495		ATTORNEY'S DOCKET NUMBER 12724-002001																										
17. <input type="checkbox"/> The following fees are submitted:				<b>CALCULATIONS PTO USE ONLY</b>																										
<b>Basic National Fee ( 37 CFR 1.492(a)(1)-(5) ):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1000</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$860</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$710</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$690</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100</b>																														
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>																														
Surcharge of <b>\$130</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Claims</th> <th style="width: 20%;">Number Filed</th> <th style="width: 20%;">Number Extra</th> <th style="width: 20%;">Rate</th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>- 20 =</td> <td></td> <td>x <b>\$18</b></td> <td>\$0.00</td> </tr> <tr> <td>Independent Claims</td> <td>- 3 =</td> <td></td> <td>x <b>\$80</b></td> <td>\$0.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</td> <td>+ <b>\$270</b></td> <td>\$0.00</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$0.00</td> </tr> </tbody> </table>						Claims	Number Filed	Number Extra	Rate		Total Claims	- 20 =		x <b>\$18</b>	\$0.00	Independent Claims	- 3 =		x <b>\$80</b>	\$0.00	MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			+ <b>\$270</b>	\$0.00	<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$0.00
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<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$0.00																										
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.																														
<b>SUBTOTAL =</b>				\$500.00																										
Processing fee of <b>\$130</b> for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$0.00																										
<b>TOTAL NATIONAL FEE =</b>				\$500.00																										
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +				\$0.00																										
<b>TOTAL FEES ENCLOSED =</b>				\$500.00																										
				<b>Amount to be refunded:</b>	\$																									
				<b>Charged:</b>	\$																									
a. <input checked="" type="checkbox"/> A check in the amount of \$500.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 06-1050 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.																														
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.</b>																														
SEND ALL CORRESPONDENCE TO:																														
John R. Wetherell, Jr., Ph.D. FISH & RICHARDSON P.C. 4350 La Jolla Village Drive, Suite 500 San Diego, CA 92122 (858) 678-5070 phone (858) 678-5099 facsimile				<div style="text-align: center;">             SIGNATURE:         </div> <div style="text-align: center;">           NAME: John R. Wetherell, Jr., Ph.D.            REGISTRATION NUMBER: 31,678         </div>																										